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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

JACKSON ARNOLD PARROTT,

Defendant and Appellant.

A160086

(Humboldt County
Case No. CR 1805858)

Pursuant to a plea agreement, defendant Jackson Arnold Parrott entered a guilty plea to a single count of being a felon in possession of a firearm, in violation of Penal Code section 29800, subdivision (a)(1).¹ He admitted having suffered a prior strike and agreed to a sentence of six years, consisting of the maximum term of three years on the firearm possession charge, doubled pursuant to section 667.5, subdivision (b) because of his prior strike. (§ 667.5, subd. (b).) He was sentenced to six years in state prison, with 920 total custody credits based on his having served 460 actual days in custody by the date of his sentencing. (§ 4019.)

His counsel filed an opening brief asking that this court conduct an independent review of the record for arguable issues—i.e., those that are not

¹ All further statutory references are to the Penal Code unless otherwise indicated.

frivolous, as required by *People v. Wende* (1979) 25 Cal.3d 436. Counsel also informed defendant that he had the right to file a supplemental brief on his own behalf, but defendant declined to do so. We conclude there are no meritorious issues and affirm the judgment.

BACKGROUND²

On December 22, 2018, Eureka Police Officer Nicholas Dalby contacted defendant while defendant was standing next to a motorcycle that matched the description of one recently reported as stolen. Defendant was wearing a motorcycle helmet and carrying a gray and black backpack. Officer Dalby drove half a block away to assist briefly with another call, then returned on foot to where he had seen defendant next to the motorcycle. Defendant was no longer next to the motorcycle and was instead standing behind an SUV that was parked on the lawn of the home next to where the motorcycle was parked, reaching in and out of the SUV. After Officer Dalby inspected the VIN number on the motorcycle and determined it was stolen, he went to speak to defendant, but defendant had left the area. Dalby asked the other individual in the area, Gregory G., where defendant had gone, and Gregory G. said he did not know. Dalby looked inside the SUV where he had seen defendant reaching in and out and saw the backpack and helmet he had previously seen on defendant.

Gregory G. told Officer Dalby that defendant had asked if he could put his backpack and helmet in the vehicle, and Gregory G. agreed. Gregory G. consented to Officer Dalby searching the SUV, and Dalby found a loaded .40 caliber firearm inside the backpack defendant had been wearing.

² The facts set forth herein are taken from the transcript of the preliminary hearing; defendant stipulated that there was a factual basis for his guilty plea based on the transcript of this hearing.

At the preliminary hearing, the court admitted certified copies of defendant's prior felony convictions, with no objection.

DISCUSSION

Defendant's counsel filed a *Wende* brief, requesting that we independently review the record to determine whether it contains any arguable issues for appeal. Our review establishes that there are no meritorious issues to be argued.

Defendant was properly advised before entering his guilty plea and stipulating to a factual basis for the pleas. The sentence was both consistent with the plea agreement and appropriate in light of defendant's lengthy criminal history.

There is no issue as to the fines and fees imposed, as the court struck some fees, imposed a restitution amount greater than the statutory minimum, and counsel did not object. (§ 1202.4, subd. (c) [court may consider inability to pay in imposing a restitution fine above the statutory minimum]; *People v. Aviles* (2019) 39 Cal.App.5th 1055, 1073 ["when a court imposes fees and/or fines pursuant to statutes that specifically include ability to pay findings, the defendant must raise an objection at the sentencing hearing or forfeit the appellate claim that the court failed to make such a finding or there was no evidence of the defendant's ability to pay the imposed amounts"]). Finally, the court properly advised defendant of his right to appeal.

Having examined the record to ensure that defendant receives effective appellate review, we find no basis for reversal. (*Wende, supra*, 25 Cal.3d 436.)

DISPOSITION

The judgment is affirmed.

BROWN, J.

WE CONCUR:

POLLAK, P. J.

STREETER, J.